

Serial No. 10/748,578
Attorney Docket No. 2001P06859WOUS

REMARKS

Applicants have amended claims 1, 3-4, 6, 8-9, and 11-13, and added new claims 15-18. Thus, claims 1-18 are currently pending and presented for examination. Applicants respectfully request reconsideration and allowance of the pending claims in view of the foregoing amendments and the following remarks.

Response to objections to the Claims:

The claims 1 and 9 stand objected to due to the informality of improper independent claim structure. Applicants have amended claims 1 and 9 to include a preamble, transition and a body as suggested by the Examiner. Thus, Applicants respectfully request the Examiner to withdraw the objection to the claims.

Response to rejections under Sections 102:

Claim 1-3, 6-8, and 11 stand rejected under 35 U.S.C. 102(b), the Examiner contending that these claims are anticipated by Oomuro et al (USPN 5,258,979).

Applicants' claimed invention, as amended, recites a plurality of bandwidth requests where a minimum bandwidth being the smallest bandwidth within the plurality of bandwidth request and that minimum connection is established using the minimum bandwidth. Support for this amendment is found in the application at page 5 lines 34-35, page 6 lines 1-6, and Fig. 1. In contrast, Oomuro discloses requesting a bandwidth larger than the allocable bandwidth of the ATM switching network and that bandwidth is reduced to the allocable bandwidth.

The Examiner reads Applicants' "minimum bandwidth" as the Oomuro "reduced bandwidth". However, the Oomuro reduced broadband connection is provided upon request, col. 5 lines 11-26, whereas Applicants' claimed invention does not establish the broadband connection until the called subscriber answers over the minimum bandwidth connection. Allocating a broadband connection upon request as Oomuro discloses is therefore contrary to and teaches away from Applicants' claimed invention.

In view of the above, independent claims 1 and 6 are patentable. Dependent claims 2-3, 7-8, and 11 are also patentable at least based on their dependency from claims 1 and 6, as well as

Serial No. 10/748,578
Attorney Docket No. 2001P06859WOUS

based on their own merit. Therefore, Applicants respectfully request that the Examiner withdraw the 102 rejections.

Response to rejections under Sections 103:

Claims 4-5, 9-10, 12-13 stand rejected under 35 U.S.C. 103(a), the Examiner contending that these claims are obvious over Saari et al (USPN 6,338,046) in view of Smyth et al (USPN 6,347,224).

Regarding claims 4-5 and 12-13, Applicants respectfully submit these claims are patentable for the reasons discussed in connection with the Section 102 rejection. That is, Saari and Smyth do not disclose or suggest a minimum connection as claimed by Applicants.

Regarding claims 9-10 Applicants' claimed invention, as amended, recites indicating a high priority broadband connection by the subscriber and establishing the high priority broadband connection prior to establishing a non-high priority broadband connection. Support for this amendment is found in the application at page 7 lines 32-34, page 8 lines 1-2, Fig. 1 and Fig 2. In contrast, Saari discloses cell priority in relation to determining the charges for usage of a network connection and not a high priority broadband connection which is indicated by the subscriber the connection. Additionally, Saari does not suggest the establishment of the broadband connections based on priority. Smyth discloses that charge setting may be actually carried out in more than one way, Smyth col 2 lines 48-49. Smyth does not teach or suggest a priority based connection in relation to charge setting.

In view of the above, independent claim 9 is patentable. Dependent claim 10 is also patentable at least based on its dependence from claim 9 as well as based on its own merit. Therefore, Applicants respectfully request that the Examiner withdraw the Section 103 rejections.

New Claims 15-18:

New claims further define the scope of the invention, as described in the specification and drawings. In view of the foregoing remarks regarding the other claims, Applicants respectfully submit claim 15-18 as patentable and requests allowance of claims 15-18.

Serial No. 10/748,578
Attorney Docket No. 2001P06859WOUS

Conclusion

For the foregoing reasons, it is respectfully submitted that the objections and rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, Applicant respectfully requests that the Examiner reconsider the objections and rejections and timely pass the application to allowance. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: 2/11/05

By: *J. E. Musone*
John E. Musone
Registration No. 44,961
(407) 736-6449

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830